



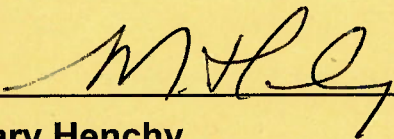
An
Coimisiún
Pleanála

Commission Direction
CD-000625
PL-500732-DL-26

The submissions on this file and the Inspector's report were considered at a meeting held on 26 May 2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning Commissioner:



Mary Henchy

Date:

29th day of May 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regards to the grounds of appeal, the policy framework provided by the Donegal County Development Plan 2024-2030 including policy RH-P-3 rural housing in structurally weak areas and to the guidance set out within the Environmental Protection Agency's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021), it is considered that the proposed development which is appropriately proportioned and responds to its rural setting is an acceptable form of development at this location. Having further regard to the separation distances provided, the proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties or the character of the area. The proposed development would be acceptable in terms of traffic safety having regard to the low-speed traffic environment where the site is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report in which the Lough Swilly SAC (Site Code:002287) and Lough Swilly SPA (Site Code: 004075) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Commission considered the Appropriate Assessment Screening and Natura Impact Statement, and associated documentation submitted with the planning application and appeal, the mitigation measures contained therein, the submissions on file, the Inspector's assessment and the Specialist Report to the Inspector. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely Lough Swilly SAC (Site Code:002287) and Lough Swilly SPA (Site Code: 004075) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European site.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of

the aforementioned European sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted on 14th day of August 2025 and the 14th day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented:

Reason: To protect the integrity of European Sites.

3. Prior to the commencement of development the following shall be agreed in writing with the planning authority:

a) A revised storm water drainage plan and storm water management plan including the omission of the stormwater overflow pipe discharging into the stream to the north of the site.

b) Drainage arrangements, including the disposal and attenuation of surface water.

Reason: In the interest of public health and surface water management

4. The overall site shall be for residential and agriculture use only, and not for any other commercial use.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

5. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicants, members of the applicant's

immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicants shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

(c) The permitted dwelling shall not be used for the purposes of a holiday home or as short-term rental accommodation. Such holiday home or short-term rental use to be commenced only if authorised by a separate grant of planning permission.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

6. (a) The proposed wastewater drainage system shall be in accordance with the standards and separation distances set out in the document entitled "Code of

Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)"
– Environmental Protection Agency, 2021.

(b) The developer shall enter a maintenance contract with the manufacturers/ suppliers of the wastewater treatment system to ensure satisfactory performance at all times.

(c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system has been installed in accordance with Environmental Protection Agency's guidelines.

Reason: To guard against pollution and ensure the proper servicing of the development.

7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to surrounding properties.

Reason: In the interest of traffic safety and to prevent pollution

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (1) All mitigation measures contained in the Natura Impact Statement.
- (2) Collection and disposal of construction waste including Asbestos.
- (3) Surface water run-off from the site.
- (4) On-site road construction.
- (5) Environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection, residential amenities, public health & safety, environmental and archaeological protection.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning

authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.